THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO. 21167 OF 2006

DATED: 23-10-2006

BETWEEN:

The M.L.A's & M.P's Colony Residents Welfare Association, Regd.No.956/2006, Plot No.9 A, Road No.10-C, Jubilee Hills, Hyderabad, Rep.by its Secretary Sri D. Muralikrishna Reddy ...
Petitioner

And

The Secretary,
Government of Andhra Pradesh,
Municipal Administration & Urban Development Department (II),
Secretariat, Hyderabad ...Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO. 21167 OF 2006

ORDER:

This Court ordered Notice Before Admission on 13-10-2006. Heard Sri V. Tulasi Reddy, learned counsel representing the writ petitioner and also the learned Government Pleader for GAD.

The present writ petition is filed for a writ of Mandamus directing the respondent to consider the representation/objection petition dated 07-10-2006 made by the petitioner against the representation for change of 6,000 sq. yards of land use made by the former president of the Vijaya Cooperative House Building Society, Road No.10-C, Jubilee Hills, Hyderabad from School, Police Station, Post Office and Health Center to commercial in the interest of justice and equity and to pass such other suitable orders.

It is stated that the petitioner association is a registered body

and has been looking after the welfare and amenities of the residents of the M.L.As & M.Ps Colony. It is also stated that the managing committee of the Vijaya House Building Society, Road No.10-C, Jubilee Hills, Hyderabad, which is known as M.L.As & M.Ps Colony, which hereinafter referred to as "the Society", which has been conferred with rights and management of the affairs of housing society consisting of M.L.As and M.Ps during the year 1993 by allotting housing plots to them. It is also stated that the sanctioned layout of the society provides about more than 10,000 Sq. yards of land for common utility purposes of the residents of the colony and it has been specifically earmarked in the sanctioned layout by the Government that the said extent of open land shall be used for the common purposes of School, Police Station, Post Office and Health Center Etc. It is also stated that on 07-10-2006 the members of the petitioner association came to know that the former president of the defunct managing committee of the society, whose term has been expired more than a year ago and the management of the society is now under an official person-in-charge appointed by the Registrar of Cooperative Societies, has submitted a representation/proposal dated 31-08-2006 to the respondent herein requesting the change of land use of the land belonging to the society from School, Police Station, Post Office and Health Center consisting of 6,000 sq. yards to that of commercial and the concerned minister has endorsed thereon to examine and put up to the concerned department, consequently the same has been sent to the Vice Chairman, Hyderabad Urban Development Authority and the Commissioner, Municipal Corporation of Hyderabad for their remarks.

It is also stated that immediately on 07-10-2006, the petitioner made an objection petition to the respondent, as well as the Vice Chairman, HUDA, and Commissioner, Municipal Corporation of Hyderabad, stating that the former president of the defunct managing committee has no authority or power to seek any change of land use of

the land belonging to the society earmarked for the specific purposes in the layout and notified as such to that of commercial and that the change of land use of land earmarked for specific common use is not permissible as per the law. It is also stated that the defunct former president of the society has colluded with a private individual to grab the open space of 10,000 sq. yards illegally and the said fact has also been reported in a Telugu daily by name “Andhra Jyothi” on 08-10-2006. It is also stated that the petitioner society has submitted the objection petition to the respondent and the petitioner apprehends that the same may not be considered by the respondent in view of the high influence of the applicant for the change of land use. Several other factual aspects also had been narrated.

In the light of the facts and circumstances, which had been averred in the affidavit filed in support of this writ petition, this Court is of the considered opinion that the writ petition be disposed of directing the respondent to consider the representation/objection petition dated 07-10-2006 made by the petitioner in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Dated: 23-10-2006
Rns